



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

NOV 25 2015

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6125 2568

Mr. Brad Appleton  
Acting General Manager  
Blackbird Bend Casino  
P.O. Box 89  
Onawa, Iowa 51040

RE: Blackbird Bend Casino Public Water System  
Federal ID: 070000017

**NOTICE OF VIOLATION**

Dear Mr. Appleton:

The Blackbird Bend Casino is classified as a Non-Community Public Water System, as defined by the Safe Drinking Water Act, Code of Federal Regulations 40 CFR § 141.2. The U.S. Environmental Protection Agency, Region 7, is the Primacy Agency tasked with oversight of the Blackbird Bend Casino Public Water System. Every public water system in the United States is required to perform regular bacterial testing of its drinking water to ensure it is safe for human consumption.

This letter is to notify you of a violation of the SDWA, as follows:

**Violation: Total Coliform Positive Sample Results – Total Coliform Rule 40 CFR § 141.63(a)(2)**

The EPA and laboratory records indicate that the Blackbird Bend Casino PWS violated the Total Coliform Maximum Contaminant Level with the presence of total coliform detected in two routine samples taken in separate locations on October 5, 2015. On October 20, 2015, six repeat samples were taken at the original Total Coliform positive sample sites and at upstream and downstream locations. The repeat samples were all Total Coliform negative.

On October 20, 2015, the Blackbird Bend System took a triggered source water sample, as required by 40 CFR § 141.402(a), the triggered raw water sample was Total Coliform negative.

On November 18, 2015, the Blackbird Bend Casino PWS collected Five Routine Samples. Per 40 CFR § 141.21(b)(5), when a Total Coliform MCL violation occurs, the PWS must collect a set of five routine samples the following month. The Five Routine samples were Total Coliform negative.



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On November 2, 2015, the Blackbird Bend Casino PWS posted a Public Notice for the Total Coliform MCL violation. Per 40 CFR § 141.203(b)(1), the PWS must post a Public Notice for the Total Coliform MCL violation within 30 days of being notified. The Public Notice is to remain in place for a minimum of seven days and is to be posted in public places such as food stations, public rest rooms, fountain drink stations, and coffee pots.

On November 18, 2015, the Blackbird Bend Casino PWS<sup>a</sup> submitted a certification that the public notice requirement was met. Per 40 CFR §141.31(d) and 141.201(c)(3).

The EPA may provide additional Compliance Assistance upon request. If you have questions on this letter, feel free to contact Kimberly Burr, by email at [willis-burr.kimberly@epa.gov](mailto:willis-burr.kimberly@epa.gov) or at (913) 551-7069.

Sincerely,

A handwritten signature in black ink, reading "Karen Flournoy", with a long horizontal line extending to the right.

Karen Flournoy  
Director  
Water, Wetlands, and Pesticides Division

cc: Vernon Miller, Chairman Omaha Tribe of Nebraska  
Robert Warner, Maintenance Supervisor  
Frank Holliday, Drinking Water Operator